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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,903	08/28/2000	Stefan O. Dick	P-1000	7709

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EXAMINER

MOHANDESI, JILA M

ART UNIT PAPER NUMBER

3728

DATE MAILED: 01/06/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/649,903

Applicant(s)

BOUVIER ET AL.

Examiner

Jila M Mohandesi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-12,14 and 22-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-1,14 and 22-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 02, 2003 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 27 and 28 are inaccurate, indefinite and in contradiction with claim 1. Claim 1, includes the transitional phrase "consisting essentially of" for the composition of the tray cover which prevents adding additional features to the composition of the tray cover, rendering claims 27 and 28 indefinite.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 27, 29, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakeriasamy '573 in view of Shigeta et al. (5,078,909). Pakeriasamy '573 discloses a packaging container for integrated circuits comprising a tray (11a) for holding integrated circuits, and a tray cover (11b), wherein the composition of the tray comprises a plastic material treated or coated with an appropriate additive so as to render it anti-static or static dissipative to avoid damage to the integrated circuits caused by electrostatic discharge. The tray cover composition of Pakeriasamy '573 does not include a moisture-absorbent composition material. Shigeta '909 discloses a packaging container for packaging electronic parts that are sensitive to moisture, where the composition of the packaging material is a moisture-absorbent composition containing a thermoplastic resin (polypropylene) and a moisture-absorbent material formed by molding to prevent degradation in quality of the electronic parts stored therein. The dehydration agent/desiccating material can be silicon oxide and/or zeolite. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a dehydrating/desiccant material to the composition of the tray cover material of Pakeriasamy '573 as taught by Shigeta '909 to adsorb moisture contained within the packaging container and therefore prevent damage to the integrated circuits due to moisture and humidity.

With respect to claims 29 and 32, it would have been obvious to one of ordinary skill in the art at the time the invention was made to omit the desiccating material from the tray composition of Pakeriasamy '573 to reduce cost of manufacturing, since, it has been held that omission of an element and its function in a combination where the

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remaining elements perform the same functions as before involves only routine skill in the art. In re Karlson, 136 USPQ 184.

With respect to claim 32, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the range of the ratio of the plastic material to the desiccating material, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum range involves only routine skill in the art. In re Aller, 105 USPQ 233.

6. Claims 2-3, 5 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakeriasamy `573 as applied to claims 1 and 32 above, and further in view of Martin et al. (5,875,892). Pakeriasamy `573 as modified above discloses all the limitations of the claims except for having a humidity indicator device. Martin `892 discloses a packaging container for integrated circuits where the upper section of the packaging container has an opening (18) for receiving a humidity indicator device (20, 22). The humidity indicator device is secured to the packaging container by a clear, plastic, circular disk (24). See Figure 2 embodiment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a humidity indicator device to the packaging container of Pakeriasamy `573 as taught by Martin `892 to visually control and disclose the humidity of the air within the container.

7. Claims 9-12, 14, 30 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above references as applied to claims 1 and 32 above, and further in view of Kitamura et al. (5,295,297). Pakeriasamy `573 as modified above discloses all the limitations of the claims except for the packaging container further

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comprising a water and moisture-proof barrier bag into which the tray is secured.

Kitamura `297 discloses a packaging container for integrated circuits comprising a water and moisture-proof barrier bag for moisture proofing the packaging container (see column 12, lines 36-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a water, moisture-proof barrier bag for the packaging container of Pakeriasamy `573 as taught by Kitamura `297 to better moisture-proof the packaging container and avoid damage to the integrated circuits caused by moisture.

With respect to claim 30, it would have been obvious to one of ordinary skill in the art at the time the invention was made to omit the desiccating material from the tray composition of Pakeriasamy `573 to reduce cost of manufacturing, since, it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. In re Karlson, 136 USPQ 184.

8. Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakeriasamy `573 in view of Lancesseur (5,432,214). Pakeriasamy `573 discloses a packaging container for integrated circuits comprising a tray (11a) for holding integrated circuits, and a tray cover (11b), wherein the composition of the tray comprises a plastic material treated or coated with an appropriate additive so as to render it anti-static or static dissipative to avoid damage to the integrated circuits caused by electrostatic discharge. Pakeriasamy `573 does not appear to disclose the tray cover composition including a moisture-absorbent material and an elastomer

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material. Lancesseur `214 discloses a packaging container for packaging goods that are sensitive to moisture, where the composition of the packaging material is a dehydrating plastics (polypropylene) material and elastomers composition of high moisture-absorption capacity which is formed by injection, thermoforming, or blow molding. The dehydration agent/desiccating material can be silica gels and molecular sieves.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tray cover composition of Pakeriasamy `573 from a dehydrating material plastic and elastomer composition as taught by Lancesseur `214 to adsorb moisture contained within the packaging container and therefore prevent damage to the integrated circuits due to moisture and humidity.

With respect to claim 31, it would have been obvious to one of ordinary skill in the art at the time the invention was made to omit the desiccating material from the tray composition of Pakeriasamy `573 to reduce cost of manufacturing, since, it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. In re Karlson, 136 USPQ 184.

9. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pakeriasamy `573 as applied to claim 22 above, and further in view of Martin et al. (5,875,892). Pakeriasamy `573 as modified above discloses all the limitations of the claims except for having a humidity indicator device. Martin `892 discloses a packaging container for integrated circuits where the upper section of the packaging container has an opening (18) for receiving a humidity indicator device (20, 22). The humidity indicator

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device is secured to the packaging container by a clear, plastic, circular disk (24). See Figure 2 embodiment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a humidity indicator device to the packaging container of Pakeriasamy '573 as taught by Martin '892 to visually control and disclose the humidity of the air within the container.

10. Claim 26 is are rejected under 35 U.S.C. 103(a) as being unpatentable over the above references as applied to claim 22 above, and further in view of Kitamura et al. (5,295,297). Pakeriasamy '573 as modified above discloses all the limitations of the claims except for the packaging container further comprising a water and moisture-proof barrier bag into which the tray is secured. Kitamura '297 discloses a packaging container for integrated circuits comprising a water and moisture-proof barrier bag for moisture proofing the packaging container (see column 12, lines 36-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a water, moisture-proof barrier bag for the packaging container of Pakeriasamy '573 as taught by Kitamura '297 to better moisture-proof the packaging container and avoid damage to the integrated circuits caused by moisture.

Response to Arguments

11. Applicant's arguments with respect to claims 1-5, 9-12, 14 and 22-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

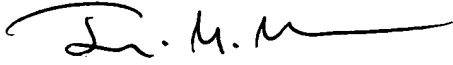
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M Mohandesi whose telephone number is (703) 305-7015. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (703) 308-2672. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

**JILA M. MOHANDESI
PRIMARY EXAMINER**


Jila M Mohandesi
Primary Examiner
Art Unit 3728

JMM
December 12, 2003